

Categorical Exclusion Renewal of 13kV Overhead Power Line

A. Background

DOI-BLM-NV-S010-2015-0061-CX

NV Energy is a private corporation with a Certificate of Public Convenience and Necessity issued by the Public Utilities Commission of Nevada to provide electric service in the certificated area of Clark County and a portion of Nye County. The company currently occupies and manages 1,100+ BLM rights-of-way in the States of Nevada, Utah, and Arizona

BLM Office:

Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130

LLNVS01000

Lease/Serial/Case File No.:

NEV-61306 (old casefile number) N-94187 (new FLPMA casefile number)

Proposed Action Title/Type:

On January 30, 2015, NV Energy submitted an application to renew and existing line and access road that provides power to gypsum mining claim. The ROW was granted to Fiberboard Corporation March 15, 1965 and later the assignment from Fiberboard Corporation to NV Energy was approved March 15, 1967. The ROW is 100 ft wide by 8,016.16 ft long, totaling approximately 18.4 acres.

The line starts 1.5 miles south of Pabco and runs south for 1.51 miles. The line and access road are existing; therefore, no construction will take place.

Location of Proposed Action:

East of the Las Vegas Valley and just south of Pabco.

LEGAL DESCRIPTION:

M.D.M., Nevada,
T. 20 S., R. 64 E.,
sec. 20, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Description of Proposed Action:

Operation and maintenance of a 13kV transmission line with related appurtenances, which was previously granted under NEV- 61306, and access road to provide electricity to a pumping station near Lake Mead.

B. Land Use Plan Conformance

Land Use Plan Name:

Las Vegas Resource Management Plan and Final Environmental Impact Statement (RMP), and the record of decision for the approved Las Vegas Resource Management Plan and Final Environmental Impact Statement.

Date Approved/Amended:

RMP dated October 5, 1998

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) :

ROW Management Objective: RW-1. "Meet public Demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communization's, flood control, major utility transmission lines, and related facilities.

Management Direction. Objective: RW-1-h. "All public land within the planning area, except as stated in RW-1-c through RW-1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy and Management Act."

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9, E. (12): "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way."

ROW NEV-61306 has been updated to a FLPMA ROW under N-94187.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Comments providing substantive new information relevant to the analysis and mitigation measures have been incorporated into the Exhibit A Stipulations which are attached to this document.

I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and no further environmental analysis is required.

D. Approval and Contact Information

Philip Rhinehart

7/13/15

Vanessa L. Hice
Assistant Field Manager
Division of Lands

Date

*Acting
for*

Contact Person

Vivian Browning
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
(702) 515-5013

Exhibit A

Stipulations for N-94187

1.0 General Stipulations

- 1.1. The right-of-way (ROW) is issued subject to all valid existing rights.
- 1.2. No signs of advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
- 1.3. The ROW shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 1.4. The holder shall ensure that the road has a proper drainage system and should include the best combination of various design elements, such as ditches, culverts, drainage dips, crowns, low-water crossings, subsurface drains and bridges, per Clark County standards.
- 1.5. Holder shall mark the exterior boundaries of the ROW with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 1.6. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this ROW within its authorized limits.
- 1.7. Holder shall maintain the ROW in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.
- 1.8. Pursuant to 43 CFR 2807.17(a) and 43 CFR 2807.17 (3)(c), BLM may suspend or terminate your grant if you do not comply with applicable laws and regulations or any terms, conditions, or stipulations of the grant (such as rent payments), or if you abandon the right-of-way. Failure to use your right-of-way for its authorized purpose for any continuous 5-year period creates a presumption of abandonment.
- 1.9. Holder shall maintain copy of the authorization along with stipulations on construction site at all times. In the event that the public land underlying this ROW, encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United

States in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

- 1.10. Within 90 days of construction completion, the Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the ROW:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;
ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:

ARCGIS interchange, shapefile or geodatabase format.
CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

2.0 Air Quality

- 2.1. The Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder shall be responsible for dust abatement within the limits of the ROW and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the ROW.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

- 2.2. Ensure a dust control permit is obtained through Department of Air Quality (DAQ) for all soil disturbing activity of .25 acres or greater, in the aggregate, and permit stipulations are in compliance for the duration of the activity.
- 2.3. Prior to relinquishment, abandonment, or termination of this ROW, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.
- 2.4. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

3.0 Cultural

- 3.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or Federal lands shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Holder. Holder shall be responsible for the resultant mitigation costs.

4.0 Hazardous Material/Pesticides/Liability

- 4.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the ROW area at any time by the Holder. The Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.
- 4.2. The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the ROW potentially affecting the ROW of which the Holder is aware.
- 4.3. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the ROW.
- 4.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer. The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Pesticides shall not be permanently stored on public lands authorized for use under this ROW.
- 4.5. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the ROW), the United States against any liability arising from the Holder's use or occupancy of the right-of way, regardless of whether the Holder has actually developed or caused development to occur on the ROW, from the time of the issuance of this

ROW to the Holder, and during the term of this ROW. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the ROW.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the right-of way regardless of whether the Holder has actually developed or caused development to occur on the ROW from the time of the issuance of this ROW to the Holder and during the term of this ROW.

- 4.6. Mineral material generated, and not needed for the development of the proposed action within the ROW site, requires a specific BLM use authorization in accordance with regulations at 43 CFR 3600 prior to the removal of the excess mineral material.

5.0 Survey Monuments

- 5.1. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, the holder shall be responsible for the survey cost.

6.0 Vegetation/Noxious Weeds/Land surface/Soil/Water/Riparian/Woodland/Forestry/Fire

- 6.1. Woodland /Forestry: The proposed project is in an area known to contain high densities of cactus and yucca. High numbers of cactus and yucca may be present within the project impact area. Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. If unable to be avoided, all cactus and yucca within permanent and temporary impact areas must be salvaged and replanted in temporary impact areas or undisturbed portions of the project area. Unless otherwise directed by the BLM botanist, all replanted cactus and yucca must be watered and otherwise maintained for a period of one year. To ensure successful salvage and transplant, all cactus and yucca must be salvaged using a contractor (or other approved by the BLM botanist) with at least three years' experience salvaging and maintaining plant materials in the Mojave or Sonoran Deserts.
- 6.2. Standard Weed Mitigation measures and any stipulations from the original authorization should be followed during operation and maintenance to reduce the risk of spread of noxious weeds. To avoid spreading noxious and/or invasive weeds, project activities shall include the following stipulations:

1. The project proponent shall avoid or minimize all types of travel through weed-infested areas. If a problem is identified and avoidance or removal is not possible, the project proponent shall set up inspection and equipment cleaning sites to prevent the spread of weeds.

2. The project proponent shall limit ground disturbance to the absolute minimum necessary to safely construct and operate the proposed project. The applicant will avoid creating soil conditions that promote weed germination and establishment.

3. Project related equipment (i.e. undercarriages and wheel wells) will be cleaned of all mud, dirt and plant parts before each tour. Project workers shall inspect, remove, and dispose of weed seed and plant parts found on their clothing and personal equipment, bag the product and dispose of in a dumpster. If you have questions, consult with the LVFO Noxious Weed Coordinator.

6.3. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.

6.4. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction will be salvaged and transplanted out of harm's way but still within the right of way. At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.

6.5. Soil/Water/Riparian/Floodplains: Applicant must follow guidelines set by the Clark County Regional Flood Control District (CCRFCDD) and Clark County specifications for design of drainage systems. If work is to occur in Ephemeral channels, need to consult with Army Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP). For floodplains, the project is located within the Las Vegas Valley disposal boundary and the CCRFCDD is responsible for flood control. Federal Emergency Management Agency (FEMA) standards are applicable.

6.6. Fire restrictions are generally enacted May through October. Compliance with fire restrictions is mandatory while fire restrictions are in effect. Specific non-compliant activities may be permitted in writing on a case by case basis by a line officer after review and approval by the Fire Management Officer (43 CFR 9212).

6.7. If drilling boreholes, holder needs to follow Nevada Administrative Code (NAC) protocols for drilling. Consult with ACOE to make sure you do not need a 404 permit. All holes should be drilled according to the Nevada Regulations for Water Well and Related Drilling, per NRS Statutes 534. All holes should be reclaimed according to NRS and NAC regulations and reclaimed immediately after drilling. If groundwater is intercepted, holes will need to be reclaimed appropriately. Additionally, applicant is responsible for obtaining any CWA permits from NDEP that may be necessary.

7.0 Visual

- 7.1 The project currently lies within a VRM Class III, which aims to retain the existing character of the landscape. Management activities may attract attention but should not dominate the view of the casual observer.

8.0 Migratory Birds

- 8.1 To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15th - July 30th.

If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

9.0 Fish and Wildlife, Excluding Federally Listed Species

- 9.1 Wildlife species in the general area include small mammals, rodents, birds and reptiles. Although there is no new surface disturbance associated with this project, these species may be found on the adjacent undisturbed lands and could wander into the proposed project area. The primary direct impact of the proposed action on wildlife would be mortality resulting from maintenance activities and mortality from vehicular traffic which may be realized due to subsequent use of the project area. Wildlife species in the general area are common and widely distributed throughout the area and the loss of some individuals and/or their habitat would have a negligible impact on populations of the species throughout the region.

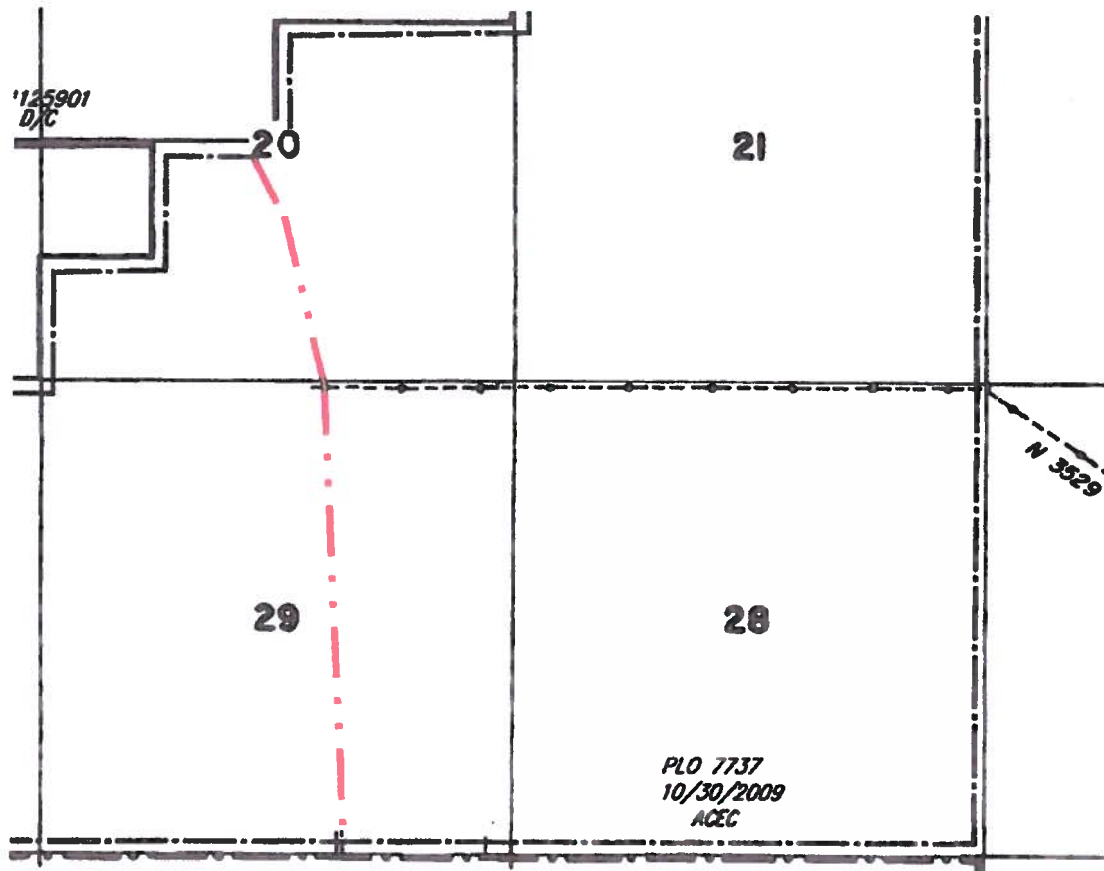
10.0 Threatened, Endangered or Candidate Animal Species

- 10.1 The proposed action has a no effect determination on the threatened desert tortoise (*Gopherus agassizii*). This project will have no effect on any other federally listed species or designated critical habitat. As this project is an administrative action, no new disturbance will occur. Therefore, no impacts to desert tortoises or their habitat are expected and no remuneration fees are required. This notice will serve as the Section 7 Determination (Sec 7 Log # NV-052-15-069).

DESCRIPTION OF RIGHT OF WAY

A 100-foot wide by approximately 8,016.16-foot long right-of-way for an existing overhead distribution line and access road within portions of Sections 20 and 29, Township 20 South, Range 64 East, M.D.M., Clark County, NV, described as follows:

The East Half of the Southwest Quarter ($E \frac{1}{2} SW \frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter ($SW \frac{1}{4} SE \frac{1}{4}$) of Section 20, and the West Half of the Northeast Quarter ($W \frac{1}{2} NE \frac{1}{4}$) and the West Half of the Southeast Quarter ($W \frac{1}{2} SE \frac{1}{4}$) of Section 29, Township 20 South, Range 64 East, M.D.M., Clark County, NV.



Length: 8,016.16-feet; Width: 100-feet; Area: 801,616-sq. ft.; 18.4-acres

Exhibit B

N-94187

CLARK COUNTY
LAS VEGAS OR DIST

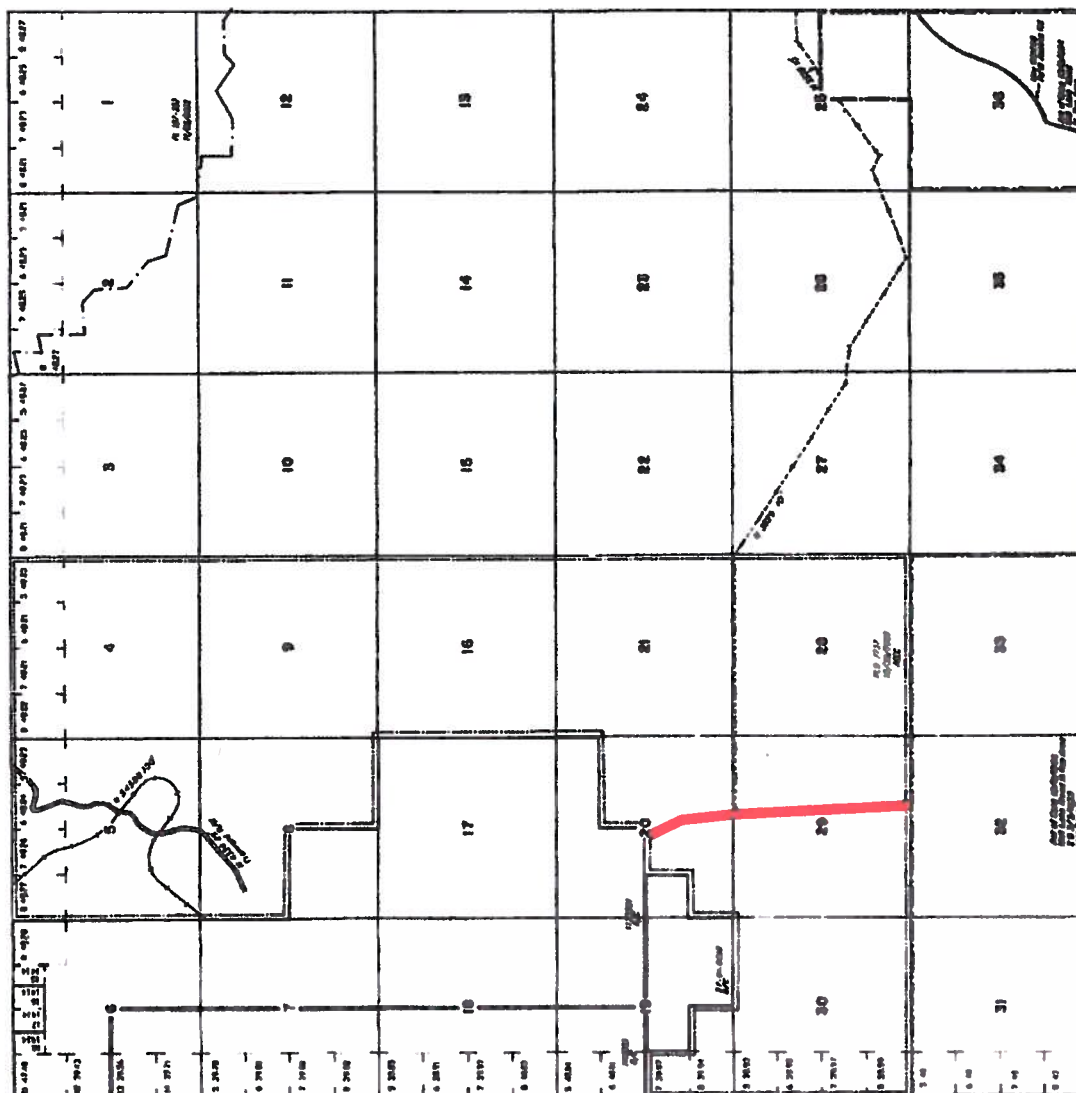
STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

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SCALE
30 chains to the inch

Exhibit C
N-94187